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An Act To Allow Limited Charitable Solicitations by Law Enforcement Associations

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 25 MRSA §3701, sub-§7, as enacted by PL 2005, c. 397, Pt. C, §18, is repealed.

Sec. 2. 25 MRSA §3702-C, as enacted by PL 2005, c. 397, Pt. C, §19, is repealed.

Sec. 3. 25 MRSA §3702-D is enacted to read:

§ 3702-D. Solicitation with approval

A law enforcement association may solicit donations of property from the general public only when the property or any part of that property in any way tangibly benefits, is intended to tangibly benefit or is represented to be for the tangible benefit of a law enforcement officer and after meeting all of the requirements of this section.

1. Beneficiary. A law enforcement association may solicit donations under this section only for a law enforcement officer suffering from a catastrophic illness as certified by the chief of the law enforcement agency of the officer suffering from a catastrophic illness.

2. Approval of local officials. A law enforcement association seeking to solicit donations under this section shall obtain the approval of:

A. The governing body of the municipality in which the solicitation will occur. If the solicitation is intended to encompass a county, the approval of the county commissioners of that county is required. If the solicitation is intended to take place in the unorganized territory, approval of the Maine Land Use Regulation Commission is required; and

B. The manager, if such a person exists, of any municipality in which the solicitation will occur.

3. Approval of Attorney General. A law enforcement association seeking to solicit donations under this section shall obtain the written and notarized approval of the Attorney General. The Attorney General may grant permission for the solicitation only if satisfied that the law enforcement association has obtained the approval specified in subsection 2 and the requirements of subsections 1 and 4 have been met.

4. Funds held in escrow. Any funds collected pursuant to this section must be held in an escrow account pursuant to this subsection.

A. The escrow account under this subsection must be established in a bank or trust company authorized to do business in this State within the meaning of Title 9-B, section 131, subsection 2 and acceptable to the Attorney General. The funds deposited in the escrow account must be kept and maintained in an account separate from accounts of the law enforcement association.

B. Checks, drafts and money orders from donors pursuant to this section must be made payable only to the bank or trust company described under paragraph A. At the request of the Attorney General, the escrow agent shall issue a statement indicating the status of the escrow account.

C. Funds deposited in the escrow account are not subject to any liens or charges by the escrow agent or judgments, garnishments or creditor's claims against the law enforcement association or beneficiary of solicitations under this section.

D. The funds raised pursuant to this section may be released only to the beneficiary under subsection 1 or to the heirs of the beneficiary if the beneficiary dies.

5. Rules. The Attorney General shall adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A regarding the administration of this section.

6. Violation. Except as provided in this section, a law enforcement association may not solicit donations for a law enforcement agency, law enforcement association or law enforcement officer. Any violation of this section constitutes a violation of the Maine Unfair Trade Practices Act.

SUMMARY

This bill allows a law enforcement association to solicit funds for a law enforcement officer who is suffering from a catastrophic illness after the law enforcement association obtains the approval of the governing body of the area in which the solicitation will occur and the Attorney General. The catastrophic illness must be certified by the chief of the law enforcement agency of the officer that has a catastrophic illness. Funds collected must be retained in an escrow account maintained solely for the benefit of the ill law enforcement officer or the heirs of that officer if the officer dies.